

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CAPITOL RECORDS, INC., a Delaware corporation; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; WARNER BROS. RECORDS INC., a Delaware corporation; ATLANTIC RECORDING CORPORATION, a Delaware corporation; VIRGIN RECORDS AMERICA, INC., a California corporation; INTERSCOPE RECORDS, a California general partnership; UMG RECORDINGS, INC., a Delaware corporation; ARISTA RECORDS LLC, a Delaware limited liability company; and BMG MUSIC, a New York general partnership,

Plaintiffs,

v.

DOES 1-4,

Defendants.

CIVIL ACTION NO. 1:04-CV-12434-NG

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME
TO SERVE COMPLAINTS**

Plaintiffs, by and through undersigned counsel and pursuant to Fed.R.Civ.P. 4(m), hereby move for entry of an Order extending the time to serve eight Complaints. In support thereof, Plaintiffs state as follows:

1. Plaintiffs filed four Complaints on March 24, 2005 and four Complaints on April 13, 2005. The anonymous Defendants in these cases were using peer-to-peer networks to disseminate Plaintiffs' copyrighted works. Under Rule 4(m), the time to serve these complaints expires July 22nd and August 11th, respectively.

2. On the same day that Plaintiffs filed the Complaints referenced in Paragraph 1, they also filed motions for leave to take immediate discovery on various third party universities. These universities also serve as internet service providers to their students and faculty. On April 20, 2005 – prior to a ruling on these discovery motions – the Court consolidated these cases under the above-referenced Lead Docket Number. Following the consolidation, the motions for leave to take immediate discovery in the individual cases were left pending. Plaintiffs filed a renewed motion for leave to take immediate discovery on June 3, 2005. After consultation with the Court at the June 13, 2005 Status Conference in this matter, the Court considered the renewed motion and granted all pending motions in a single Order that was entered on June 20, 2005. Under the Order, Plaintiffs were permitted to seek immediate discovery by serving a Rule 45 subpoena upon the various universities/internet service providers in hopes of obtaining the identify and addresses of the Doe Defendants.

3. Plaintiffs are in the process of serving and obtaining responses to subpoenas on Boston University, Harvard University, Massachusetts Institute of Technology, Suffolk University, and the University of Massachusetts. Plaintiffs' subpoenas have asked these universities to respond within 20 days. Some universities requested brief extensions of time, which Plaintiffs have granted. Plaintiffs believe that these universities will respond to the subpoenas on or before August 19, 2005. Until the responses to these subpoenas are obtained, Plaintiffs are simply unable to serve the complaints because they do not know the names or addresses of the Doe Defendants.

4. Accordingly, Plaintiffs request a 90-day extension of time to effectuate service in the cases that were formerly numbered: 05-10566, 05-10567, 05-10568, 05-10569 (until October 20, 2005) and 05-10731, 05-10732, 05-10733, and 05-10734 (until November 11,

2005). These 90-day extensions will afford Plaintiffs the opportunity to learn the identities of the Doe Defendants and to conduct settlement discussions prior to naming the Doe Defendants in this action.

WHEREFORE, Plaintiffs respectfully request 90-day extensions of time to effectuate service in the aforementioned cases.

CAPITOL RECORDS, INC.; SONY BMG MUSIC ENTERTAINMENT; WARNER BROS. RECORDS INC.; ATLANTIC RECORDING CORP.; VIRGIN RECORDS AMERICA, INC.; INTERSCOPE RECORDS; UMG RECORDINGS, INC.; ARISTA RECORDS LLC; and BMG MUSIC

By their attorneys,

DATED: 7/22/2005

By: /s/ Colin J. Zick
Colin J. Zick (BBO No. 556538)
Gabriel M. Helmer (BBO No. 652640)
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02210-2600
Phone: (617) 832-1000
Fax: (617) 832-7000